



Written by [Joe Wolverton, II, J.D.](#) on September 4, 2018

## What Happens to the Second Amendment If the Senate Turns Blue?

On November 6, 35 seats in the U.S. Senate will be up for grabs. The United Nations' Arms Trade Treaty (ATT) that was signed by the United States in 2013 awaits only the ratification by the Senate in order for its many gun-grabbing provisions to be enforced in every household in the United States.

The looming specter of the successful implementation of the globalist dream of disarming Americans should be sufficient to motivate all eligible voters to make it to the polls on the first Tuesday in November.



The stakes, in fact, could not be much higher. Should many of those seats in contention be filled by foes of the Second Amendment, American citizens undoubtedly will begin receiving notices from local and federal law enforcement that they must surrender their banned weapons and ammunition (whatever those may be, according to the whims of enterprising politicians) to officials tasked with tracking compliance with the newly-enacted Arms Trade Treaty.

Anyone anxious to retain the right to keep and bear arms and the right to protect oneself from tyranny (the purpose of the Second Amendment) can sense the urgency and will want to warn those of his neighbors that have neither heard of the ATT nor know just how destructive of liberty its enforcement would be.

The potential for the ratification of the UN's firearm confiscation scheme is not the only reason gun-rights advocates should do all in their power to persuade their fellow Second Amendment promoters to get to the ballot box on November 6.

Per the Constitution, the Senate must give its advice and consent to individuals nominated by the president to serve on the Supreme Court. As with the Arms Trade Treaty, should the final tally reported on the morning of November 7 reveal a Senate composed of a majority of members content (or, what's worse, anxious) to see the Second Amendment scrapped, then we could be witness to a Supreme Court confirmation hearing wherein a candidate with a record of rejection of the broadest possible interpretation of the Second Amendment's clauses is placed on the bench of the country's highest federal court.

As Chris Cox, the executive director of the NRA-ILA, wrote on August 31:

If any gun owners question the importance of having a pro-gun majority in the U.S. Senate, one need only consider that Justice Neil Gorsuch now sits on the Supreme Court and anti-gun Judge Merrick Garland does not. Without a doubt, the long-term impact of a pro-freedom Supreme Court cannot be overemphasized. And the only way to maintain and expand the number of justices who respect the Second Amendment is with a pro-freedom Senate.



Written by [Joe Wolverton, II, J.D.](#) on September 4, 2018

---

For the purpose of protecting the fundamental liberty to be armed from being tossed onto the ever-growing pile of formerly sacrosanct rights now reduced to historic rubble, Cox provides a list of candidates for U.S. Senate who have demonstrated their dedication to preserving the right to keep and bear arms and the Second Amendment that guarantees the unobstructed exercise of that right. That list is available [here](#).

While it is certainly wise to fill the Senate (and the House, for that matter) with members committed to upholding the Constitution (as they are sworn to do), there are other, surer, and more constitutionally sound ways of blocking any unconstitutional confiscation of weapons and ammunition that could be carried out should the UN's Arms Trade Treaty be enforced in the United States.

The most powerful check citizens of the states have on the seizure of weapons by the UN — or its allies in the U.S. Senate — is the nullification of any and all unconstitutional acts of the federal government.

Nullification is the exercise by states of their retained authority to hold as null, void, and of no legal effect any act of the federal government that exceeds its constitutionally enumerated powers. The availability of this tactic is proclaimed and protected by the 10th Amendment to the U.S. Constitution.

Several states have taken steps to proactively (and preemptively) nullify any national or international agreement mandating the confiscation of weapons and ammunition from being enforced inside their sovereign borders.

This strategy is wise, as there is no way that the men and women of the United States can hope to maintain their hard-won liberty — liberty that cost the lives, fortunes, and sacred honor of some of the greatest men of the 18th century — without the ability to put up an armed resistance to tyrants and to their armed enforcers.

The truth is, though, the Senate — in collusion with the president and the Supreme Court — has shrunk the scope of the Second Amendment despite the fact that the plain language of the Second Amendment explicitly forbids any infringement on this right that protects all others.

In fact, the reason for inclusion of the Second Amendment in the Bill of Rights had little to do with the British and more to do with future attempts by an out-of-control, all-powerful central authority disarming the American people as a step toward tyranny.

Finally, although in reality treaties that violate the Constitution are *prima facie* null, void, of no legal effect, the Supreme Court has come down on both sides of the supremacy issue.

In a pair of contradictory decisions, the Supreme Court has held that “No doubt the great body of private relations usually fall within the control of the State, but a treaty may override its power” (*Missouri v. Holland*) and “constitutional rights cannot be eliminated by a treaty” (*Reid v. Covert*).

This conflict of cases creates a situation where, as Alan Korwin wrote in 2012 at the time of the previous round of negotiations on the Arms Trade Treaty, “While some of us would surely and boldly draw the lines where they are ‘supposed’ to be, i.e., in line with our natural and historic rights, the forces aligned against the Second Amendment have no problem arguing vigorously for its destruction, regardless of any of these details, and therein lies the greatest threat we face.”

For all the foregoing frightening potential political threats to the perpetuation of our right to be armed and ready to resist tyranny, Americans committed to the Constitution and to the rights it protects have an obligation to raise their voices and cast their votes in defense of liberty!



## Subscribe to the New American

Get exclusive digital access to the most informative,  
non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



**Subscribe**

### What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.